

### REMARKS

Claims 1-63 are pending in the present application. By this response, claims 1, 21, 41 and 61 are amended. Claims 1, 21 and 41 are amended to recite "receiving a copy instruction, the copy instruction identifying a plurality of computer files to be copied, an order in which the plurality of computer files are to be copied and the destination location." Claim 61 is amended to recite "in response to receiving a request to copy the plurality of files to a destination location, displaying an identification of the plurality of files in a graphical user interface simultaneously in an order in which the plurality of files are to be copied to the destination, wherein the request includes an order in which the plurality of files are to be copied." Support for the amendments to claims 1, 21, 41 and 61 may be found at least on page 11, lines 2-11, of the present specification. Reconsideration of the claims in view of the above amendments and the following remarks is respectfully requested.

#### **I. 35 U.S.C. § 103, Alleged Obviousness, Claims 1-63**

The Office Action rejects claims 1-63 under 35 U.S.C. § 103(a) as being unpatentable over Chui et al. (U.S. Patent No. 6,657,702 B1) in view of Fabozzi, II (U.S. Patent No. 6,085,251). This rejection is respectfully traversed.

As to claims 1, 21 and 41, the Office Action states:

Regarding claims 1, 21 and 41, Chui discloses a method of copying computer files to a destination location, comprising: receiving a copy instruction, the copy instruction identifying a plurality of computer files to be copied and the destination location (see col. 3, lines 1-61); and displaying attributes of the plurality of computer files simultaneously, in an order in which the plurality of computer files are to be copied (see col. 11, lines 38-67); however, Chui fails to explicitly teach copying the plurality of computer files to the destination location in the order in which the plurality of computer files are to be copied.

Fabozzi, II teaches and copying the plurality of computer files to the destination location in the order in which the plurality of computer files are to be copied (see col. 5, lines 8-63). It would have been obvious to one of an ordinary skill in the art the time the invention was made to provide and copying the plurality of computer files to be destination location in the order in which the plurality of computer files are to be

copied as taught by Fabozzi, II to the facilitating photographic print with identifier identifying a recipient of Chui in order to enhance a user friendly while copy/delete file interactively and visually on screen.

Office Action dated May 6, 2004, pages 2-3.

Claim 1, which is representative of the other rejected independent claims 21 and 41 with regard to similarly recited subject matter, reads as follows:

1. A method of copying computer files to a destination location, comprising:
  - receiving a copy instruction, the copy instruction identifying a plurality of computer files to be copied, an order in which the plurality of computer files are to be copied and the destination location;
  - displaying attributes of the plurality of computer files simultaneously, in the order in which the plurality of computer files are to be copied; and
  - copying the plurality of computer files to the destination location in the order in which the plurality of computer files are to be copied.

Chui and Fabozzi, taken alone or in combination, fail to teach or suggest receiving a copy instruction, the copy instruction identifying a plurality of computer files to be copied, an order in which the plurality of computer files are to be copied and the destination location, displaying attributes of the plurality of computer files simultaneously, in the order in which the plurality of computer files are to be copied, and copying the plurality of computer files to the destination location in the order in which the plurality of computer files are to be copied.

Chui is directed to a method that facilitates photographic print re-ordering by encoding a photographic print with an identifier identifying a recipient of the photographic print and one or more printing parameters associated with the photographic print. The print parameters being print size, number of copies, print finish, and/or a textual message.

Thus, with the system of Chui, a customer places a print order to distribute image prints to a plurality of recipients, wherein the print order specifies the recipients and, for each specified recipient, a set of one or more images associated with that recipient. The print order may also specify the print parameters of a first recipient's image set, which may differ from images and print parameters of a second recipient's image set. The print parameters also may differ among images within an image set and each image set may

include an arbitrary grouping of images designated by a user. Chui does not teach or suggest receiving a copy instruction, the copy instruction identifying a plurality of computer files to be copied, an order in which the plurality of computer files are to be copied and the destination location. The Office Action admits that Chui fails to explicitly teach copying the plurality of computer files to the destination location in the order in which the plurality of computer files are to be copied. Applicants respectfully submit that Chui does not teach this feature because no order in which the files are to be copied is received in the copy instructions.

Additionally, Chui does not teach displaying attributes of the plurality of computer files simultaneously, in the order in which the plurality of computer files are to be copied. The Office Action alleges that this feature is taught at column 11, lines 38-67, which reads as follows:

FIG. 3B illustrates an example of a non-linear workflow in which sub-orders are generated from a print order specifying multiple recipients. In this example, assume that a user places an order 352 for prints (for example, by creating associations between images and recipients) identifying three different recipients A, B, and C, each of who is to receive a set of prints selected from images 1-10. In this example, assume that Recipient A is to receive prints of Images 1, 2, 4 and 8 (Recipient A's image associations are indicated by solid lines), Recipient B is to receive prints of images 1, 7 and 9 (Recipient B's image associations are indicated by dashed lines) and Recipient C is to receive prints of Images 1, 2 and 7 (Recipient C's image associations are indicated by dotted lines). The images 1, 2, 4, 7, 8, and 9 in print order 352 are then instantiated and re-organized as appropriate to generate, or build, three separate sub-orders 354, 356, 358--one for each of the three different recipients A, B, C, respectively. Each of these sub-orders in turn is sent to the printing system to generate a contiguous run of prints for the associated recipient.

According to this example, Image 1 would be instantiated three times, once for each of the three different print sub-orders 354, 356, and 358 in which it is included (that is, each of Recipients A, B, and C is to receive a print of Image 1). Similarly, Image 2 would be instantiated twice (one instance for Recipient A's sub-order 354 and another instance for Recipient C's sub-order 358), as would Image 7 (one instance for Recipient B's sub-order 356 and another instance for Recipient C's sub-order 358). Each of the remaining images (4, 8 and 9) would be instantiated only once because in each case the image is being printed for, and sent to, only a single recipient (equivalently, is part of a single sub-order).

In this section, Chui is merely issuing the prints to the recipients in the grouping specified by the customer. However, the order in which the prints are issued is arbitrary. That is, the system of Chui issues the order of the prints starting at image 1 through to the last image in the purchase order of the customer. The prints are not issued in an order received with the request for the prints as there was no order in which the files were to be copied received in the copy instructions. Moreover, nowhere in this section, or any other section of Chui, is it taught or suggested to display attributes of the plurality of computer files simultaneously. Figure 3B displays the images that are being copied, but no attributes associated with those images are ever displayed.

Furthermore, the Office Action admits that Chui fails to explicitly teach copying the plurality of computer files to the destination location in the order in which the plurality of computer files are to be copied. However, the Office Action alleges that Fabozzi teaches this feature at column 5, lines 8-63, which reads as follows:

1. The server location information. This includes the hostname and the internet address of the server from which file 10 is sent. This information also includes the location of the distribution on the server file system, for example: "/s/crest/download".

2. The convention by which packets 20-50, etc., are named and ordered, so that they can be recombined to form the original file 10 after transmission. The naming refers to the filename and order of packets 20-50. Using our original file name of "target", log 90 would then contain the filenames and order of the pieces "target" was broken into, for example, target.sub.-- subaa, target.sub.-- subab, . . . target.sub.-- suban. This convention ensures the simultaneous FTP "get" commands acquire the correct data packets.

3. The method used to segment the data in file 10, such as "split and cat".

Thus an example of log 90 would be

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Opau.mhpc.edu
164.122.27.164
/s/crest/download
Target.sub.-- subaa
Target.sub.-- subab
...
Target.sub.-- suban
Split then cat
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The next step in the process executes the client utility from a location remote from the data. The client utility first downloads log 90 to guide the FTP algorithm. Simultaneous FTP sessions to transfer packets 20-50 are performed by a combination of automating FTP sessions and processing each session in the background. FTP sessions can be automated (see "FTP manual pages", SunOS Release 4.1, January 1988) by directing the FTP command "set" to an FTP process, as illustrated in the following command:

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% ftp -n < $ftp.sub.-- command.sub.-- set,
where $ftp.sub.-- command.sub.-- set is:
    For example:
open $destination.sub.-- machine
    open opau.mhpc.edu
user $username $password
    user fabozzi fablpass
bin
    bin
get $filename      get target.sub.-- sub.1
close              close
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The FTP algorithm invokes a series of "n" ftp commands, each one of which downloads a different file from the server.

After separation/combination log 90 and all of the data in packets 20-50 have been downloaded, log 90 is used to recombine the data in packets 20-50 into its original form as file 10.

Fabozzi is directed to a method to improve the speed of electronic file transfer between remote computers by parallel processing. Fabozzi makes FTP parallel transfers up to five times faster, that is, it offers transfer rates of up to 100 Kb/sec. FTP is operated in parallel by segmenting a file into discrete packets, simultaneously transmitting these packets to the receiving computer, and reassembling the packets into the original file. A log file that is independent of the packets and separately transmitted can aid reassembly. The Fabozzi reference merely teaches breaking a single file into packets, logging the packets, transferring the packets in parallel and then recombining them after transfer. Nowhere, in any section of Fabozzi, is it taught or suggested that copying the plurality of computer files to the destination location in the order in which the plurality of computer files are to be copied, where the order in which the plurality of computer files are to be copied is received in a copy instruction.

Furthermore, there is not so much as a suggestion in either reference to modify the references to include such features. That is, there is no teaching or suggestion in Chui or Fabozzi that a problem exists for which receiving a copy instruction, the copy instruction identifying a plurality of computer files to be copied, an order in which the plurality of computer files are to be copied and the destination location, displaying attributes of the plurality of computer files simultaneously, in the order in which the plurality of computer files are to be copied, and copying the plurality of computer files to the destination location in the order in which the plurality of computer files are to be copied, is a solution. To the contrary, Chui only teaches receiving a request to issue images to a plurality of recipients. Fabozzi only teaches copying a file by splitting it into packets. Neither reference even recognizes a need to receive a copy instruction, the copy instruction identifying a plurality of computer files to be copied, an order in which the plurality of computer files are to be copied and the destination location, display attributes of the plurality of computer files simultaneously, in the order in which the plurality of computer files are to be copied, and copy the plurality of computer files to the destination location in the order in which the plurality of computer files are to be copied, as recited in claim 1.

Moreover, neither reference teaches or suggests the desirability of incorporating the subject matter of the other reference. That is, there is no motivation offered in either reference for the alleged combination. The Office Action alleges that the motivation for the combination is "in order to enhance a user friendly while copy/delete file interactively on screen." Neither reference orders the files in an order in which the plurality of computer files are to be copied. Thus, the only teaching or suggestion to even attempt the alleged combination is based on a prior knowledge of Applicants' claimed invention thereby constituting impermissible hindsight reconstruction using Applicants' own disclosure as a guide.

One of ordinary skill in the art, being presented only with Chui and Fabozzi, and without having a prior knowledge of Applicants' claimed invention, would not have found it obvious to combine and modify Chui and Fabozzi to arrive at Applicants' claimed invention. To the contrary, even if one were somehow motivated to combine Chui and Fabozzi, and it were somehow possible to combine the two systems, the result

would not be the invention, as recited in claim 1. The result would be simply copying files using parallel processing. The resulting system still would not receive a copy instruction, the copy instruction identifying a plurality of computer files to be copied, an order in which the plurality of computer files are to be copied and the destination location, display attributes of the plurality of computer files simultaneously, in the order in which the plurality of computer files are to be copied, and copy the plurality of computer files to the destination location in the order in which the plurality of computer files are to be copied.

Independent claim 61 recites similar features in its respective claim terminology. Claim 61 recites "in response to receiving a request to copy the plurality of files to a destination location, displaying an identification of the plurality of files in a graphical user interface simultaneously in an order in which the plurality of files are to be copied to the destination, wherein the request includes the order in which the plurality of files are to be copied."

Thus, Chui and Fabozzi, taken alone or in combination, fail to teach or suggest all of the features in independent claims 1, 21, 41 and 61. At least by virtue of their dependency on claims 1, 21, 41 and 61, Chui and Fabozzi, taken alone or in combination, fail to teach or suggest all of the features of dependent claims 2-20, 22-40, 42-60, 62 and 63, respectively. Accordingly, Applicants respectively request withdrawal of the rejection of claims 1-63 under 35 U.S.C. § 103(a).

Moreover, in addition to their dependency from independent claims 1, 21, 41 and 61 respectively, Chui and Fabozzi do not teach or suggest the specific features recited in dependent claims 2-20, 22-40, 42-60, 62 and 63. For example, with regard to claims 11, 31 and 51, neither Chui nor Fabozzi, taken alone or in combination, fairly teaches or suggests rearranging, during copying of the plurality of computer files, the order in which the plurality of computer files are to be copied. As discussed above, Chui and Fabozzi, taken alone or in combination, fail to teach or suggest ordering the files in an order in which the plurality of computer files are to be copied. Thus, neither reference could rearrange, during the copying of the plurality of computer files, the order in which the plurality of computer files are to be copied, as the files were not in any original order. The Office Actions fails to provide a section of either reference where this feature is

taught or suggest but alleges that these features are analyzed with respect to claims 1-6. Applicants respectfully submit that the features of claims 11, 31 and 51 are different than those claims in claims 1-6 and none of claims 1-6 claim rearranging, during copying of the plurality of computer files, the order in which the plurality of computer files are to be copied. Applicants further submit that the specific features of claims 12-15, 32-35 and 51-55 are different from those of claims 1-6 as well.

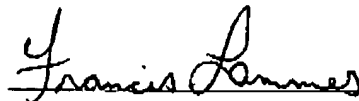
Thus, in addition to being dependent on independent claims 1, 21, 41 and 61 respectively, dependent claims 2-20, 22-40, 42-60, 62 and 63 are also distinguishable over Chui and Fabozzi by virtue of the specific features recited in these claims. Accordingly, Applicants respectfully request withdrawal of the rejection of dependent claims 2-20, 22-40, 42-60, 62 and 63 under 35 U.S.C. § 103 (a).

## II. Conclusion

It is respectfully urged that the subject application is patentable over the prior art and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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